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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GUZO, DAVID

ART UNIT PAPER NUMBER

1636

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restriction

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, 7-10, 13-15, 17-26, drawn to non-infectious coxsackievirus particles, a method for generating said particles comprising heating native coxsackieviruses, use of said particles for transfection of cells, expression vectors and helper constructs and kits encoding the particles.

Group II, claim(s) 6 and 27, drawn to a method for generating non-infectious coxsackievirus particles comprising use of a matrix of coupled coxsackievirus receptors.

Group III, claim(s) 16, 28, 42 and 47, drawn to a method for therapy, diagnostics or prophylaxis of cardiovascular diseases and a pharmaceutical composition comprising non-infectious coxsackievirus particles.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of Group II that distinguishes it from Groups I and III is the use of a matrix of coupled coxsackievirus receptors to purify the non-infectious coxsackieviruses, this method is distinct from the isolation method of Group I (which uses heat inactivation of native coxsackieviruses) and from the therapy, diagnostic or prophylactic method of Group III. The special technical feature of the therapeutic, diagnostic or prophylactic methods of Group III that distinguishes this Group from Groups I and II involves the use of the coxsackievirus particles of Group I in methods of therapy, diagnosis or prophylaxis.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 1636

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Guzo, Ph.D., whose telephone number is (571) 272-0767. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Irem Yucel, Ph.D., can be reached on (571) 272-0781. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Guzo
November 29, 2004


DAVID GUZO
PRIMARY EXAMINER